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is presented in the second indicia throughout the entire portion of the text corresponding to the second character.

70. (New) The presentation of Claim 30, wherein the indicia that is unique to each character extends throughout the entire dialogue associated for each of said characters.
71. (New) The apparatus of Claim 39, wherein said means for presenting selected text in a unique indicia presents said text throughout the entire portion of the dialogue of the first and second characters.
72. (New) A presentation of textual material having text corresponding to the dialogue of a plurality of characters and narrative, wherein the text for the dialogue of a first character is presented in a first indicia throughout substantially all the presentation, and wherein the text for the dialogue of a second character is presented in a second indicia throughout substantially all the presentation, the first and second indicia being different, wherein the textual material corresponding to a character is written in a plurality of different reading levels and selected by a specific reader from among that plurality of different reading levels before the presentation.

#### REMARKS

Claims 1-44 were previously pending. Dependent Claims 2, 5-6, 10, 12, 13 17, 21-23, 33, 36, 41, and 44 were indicated as allowable if rewritten, and except for Claims 22-23, 36, and 41-42 the allowable claims are rewritten as new claims 59-67. New Claim 72 is added which rewrites original dependent Claim 15 in independent form. New Claims 68-71 define indicia as extending throughout the entire text or dialogue defined in the claims.

The Applicant thanks the Examiner for the courteous interview on Sept. 9, 2002 in which the Applicant was requested to clarify the meaning of "substantial" or "substantially" as used in the claims. The Examiner was reading "substantial" or "substantially" broad enough to allow rejection on the prior art patent to Panec. As discussed below, even with that broad interpretation of "substantially" the Panec patent does not disclose or suggest using an indicia "unique" to the dialogue of a character or text, as defined in original Claims 30 and 39, and in amended Claims 1 and 16. Nonetheless, new claims 68-71 are added to further define that the indicia extends throughout the entire dialogue or text for the specified character or characters.

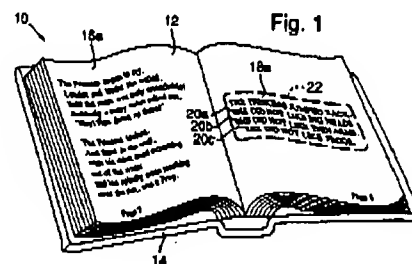
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### PANEC DOES NOT SHOW OR SUGGEST THE CLAIMED COMBINATIONS

Each of independent claims 1, 16, 30 and 39 define or are amended to define "unique" indicia associated with designated text or dialogue. Amended Claim 1 ("the first indicia being unique to the dialogue of the first character"); amended Claim 16 ("the first text being unique to the text corresponding to the first character"); original Claim 30 ("presented in an indicia that is unique to each character"); and original Claim 39 ("means for presenting the selected text in a unique indicia"). That is not found in Panec.

The marking of text in Panec does not differ based on the character dialogue being read. In fact the word "dialogue" does not even appear in Panec at all, and the word "character" appears only once in an unrelated context to the marking of character dialogue. Panec marks text for a skilled reader with one indicia, and marks text for a novice reader with a second indicia. The marking alternates between the two readers, with the experienced reader having twice the text to read as the novice reader. Indeed, Panec states that the text should alternate between readers regardless of the character involved in the portion being read. The alternation is such that "each novice reader's section has roughly half as many words as the preceding skilled reader's section." This "alternating pattern preferably begins at the beginning of the story and continues through to the end." Col. 3, lines 38-43.

The alternating text format of Panec requires one indicia to be associated with text of a novice reader and another indicia associated with the text of a skilled reader. But Panec uses the same indicia for multiple characters and thus prevents the use of a unique indicia for a single character. This is easily seen by FIG. 1 of Panec which was previously cited by the Examiner and which shows one page with 11 lines of text containing small print that includes dialogue from two different characters and also includes narration. FIG. 1 also shows a facing page having a different indicia (larger text size) and again containing text for the narrator. In Fig. 1 there is thus no teaching of using different text size for the dialogue of different characters, and no teaching of using the same text size for any character or for the



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narrator. There is also a teaching of using the same indicia for a multitude of different characters, which prevents any "unique" indicia for any portion of the text or for any character.

Most of the remaining figures of Panec show the story of the Emperor's new clothes, but use the same indicia (letter size) for dialogue of the Emperor (Fig. 18), the servants (Fig. 20), four men (Fig. 30), townspeople (Fig. 34, 40), and the child who sees no clothes (Fig. 36, 38). That teaches against using the same indicia (letter size) for the dialogue of a single character, and certainly prevents the indicia from being a "unique" indicia. The alternating-reader pattern of Panec results in the same indicia being used for numerous characters and used indiscriminately. This prevents Panec from meeting the claim requirements that the indicia be unique for each of various characters as defined in the claims. This is further illustrated in Figs. 7 & 8 (shown below) which figures each present dialogue for the Emperor, but in different indicia.



For the above reasons, Panec does not meet this claim requirement of unique indicia, so there is no basis for maintaining the rejection.

Claims 30 and 39 previously defined this "unique" indicia, so this does not raise a new issue requiring further examination.

Additionally, independent Claims 16, 30, & 39 define the text of a character's dialogue to be in a specified reading level for more than a substantial portion of the corresponding text. Panec has two reading levels (experienced and novice) but does not assign a specific reading level to a specific character. Instead Panec prevents such an assignment and alternates between the two reading levels, with the experienced reader having twice the amount of text as the novice reader. Col. 3, lines 38-43. Panec prevents a specific reading level from being assigned to a

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specific character as the alternating text requirement of Panec would cause the character's dialogue to be presented in both large and small letters at the same time.

The inapplicability of Panec is especially apparent when the specific reading level is required to be presented in a first or second "unique" indicia throughout a defined portion of the dialogue as discussed above. Panec thus fails to meet the claim requirements for specified reading levels for various portions of the dialogue, and does not teach or suggest assigning a reading level to a character for any portion of the dialogue of that character.

Finally, and with all due respect, there must be some suggestion for the proffered modification that applies Panec's indicia based on character dialogue when Panec itself teaches alternating indicia based on the length of the text of a novice and experienced reader, and in complete disregard of character dialogue. The Examiner's unsupported speculation that such a modification is obvious, is simply not sufficient to establish even a *prima facie* case of obviousness. *In re Zurko*, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001) ("the Board cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, the Board must point to some concrete evidence in the record in support of these findings."). In order to modify a patent, like Panec, there must be some suggestion to do so, even for simple changes like turning a device upside down. *See In re Chu*, 66 F.3d 292, 36 USPQ2d 1089 (Fed. Cir. 1995) ("Although a prior art device could have been turned upside down, that did not make the modification obvious unless the prior art fairly suggested the desirability of turning the device upside down." (citation omitted)). Here, there is no such suggestion to go against the teachings of Panec.

For the above reasons, Panec does not disclose the basic requirements of independent Claims 1, 16, 30 and 39, and does not suggest modifying the reference to achieve the claimed combination. The Examiner is requested to reconsider, and withdraw the prior rejections based on the clarification and amendments herein.

#### **HUFFMAN DOES NOT CURE THE DEFECIENCIES OF PANEC**

The Examiner rejected Claims 8, 14, 25-27, 37, 39, 40, 42-43 as obvious over Panec in view of Huffman. Huffman is cited for electronic display aspects defined in several claims. Huffman discloses nothing that would cure the deficiencies of Panec regarding the character-

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based text selection, the use of indicia applied to a character's dialogue for a substantial portion of the text, or applying unique text to a character's text.

As Huffman does not cure the deficiencies of Panec, the combination of Huffman and Panec does not achieve the claimed combinations. Based on the clarification and amendments herein, reconsideration and withdrawal of the rejections based on Panec combined with Huffman is thus respectfully requested.

#### NEW CLAIM 72

New independent Claim 72 is a revision of existing dependent Claim 15, but which specifies that the textual material corresponding to a character is written in a plurality of different reading levels and selected by a specific reader from among that plurality of different reading levels before the presentation. That is clearly not shown in Panec and is similar to aspects found in allowable Claims 5 and 21. Entry and allowance of this claim is respectfully requested.

#### CONCLUSION

The Examiner is requested to reconsider and withdraw the rejection of the claims. The Examiner is further urged to contact the undersigned if there is any question on the claims or any other matter that would advance the prosecution of this application.

Respectfully submitted,

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### VERSION SHOWING CHANGES

Please amend the claims as follows:

1. (Once Amended) A presentation of textual material having text corresponding to the dialogue of a plurality of characters and narrative, wherein the text for the dialogue of a first character is presented in a first indicia throughout substantially all the presentation, and wherein the text for the dialogue of a second character is presented in a second indicia throughout substantially all the presentation, the first and second indicia being different and the first indicia being unique to the dialogue of the first character.
16. (Once Amended) A method of presenting reading material containing text corresponding to the dialogue of a plurality of characters, comprising the steps of:
  - writing text corresponding to a first character in a first reading level and presenting that text in a first indicia for ~~at least a substantial portion of the entire text~~ corresponding to the first character, the first indicia being unique to the text corresponding to the first character; and
  - writing text corresponding to a second character in a second reading level and presenting that text in a second indicia for at least a substantial portion of the text corresponding to the second character.
30. (Once Amended) A presentation of a story having at least two characters with dialogue for each character that are is to be read by at least one reader assigned to each character, wherein the dialogue for a plurality of characters is written at a reading level selected to correspond to the particular reader assigned to each of the plurality of characters, and presented in an indicia that is unique to each character and extending throughout a substantial portion of the dialogue associated with a the plurality of characters.

Please add the following new claims which rewrite previously allowed claims in independent format:

59. (New) A presentation of textual material having text corresponding to the dialogue of a plurality of characters and narrative, wherein the text for the dialogue of a first character is presented in a first indicia throughout substantially all the presentation, and wherein the text for the dialogue of a second character is presented in a second indicia throughout

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substantially all the presentation, the first and second indicia being different, wherein the narration is presented in a third indicia throughout substantially all the presentation.

60. (New) A presentation of textual material having text corresponding to the dialogue of a plurality of characters and narrative, wherein the text for the dialogue of a first character is presented in a first indicia throughout substantially all the presentation, and wherein the text for the dialogue of a second character is presented in a second indicia throughout substantially all the presentation, the first and second indicia being different, wherein the first and second indicia are selected by a first and second reader before the text is presented.
61. (New) A presentation of textual material having text corresponding to the dialogue of a plurality of characters and narrative, wherein the text for the dialogue of a first character is presented in a first indicia throughout substantially all the presentation, and wherein the text for the dialogue of a second character is presented in a second indicia throughout substantially all the presentation, the first and second indicia being different, wherein the text associated with at least two of the characters is written at pre-determined reading levels that differ by at least one grade in reading level and at least one of which differs from the reading level of the text as originally written.
62. (New) A presentation of textual material having text corresponding to the dialogue of a plurality of characters and narrative, wherein the text for the dialogue of a first character is presented in a first indicia throughout substantially all the presentation, and wherein the text for the dialogue of a second character is presented in a second indicia throughout substantially all the presentation, the first and second indicia being different, wherein the textual material is presented on pages which include a legend correlating the identity of a selected reader of text on the page with a character and with indicia corresponding to the character.
63. (New) A presentation of textual material having text corresponding to the dialogue of a plurality of characters and narrative, wherein the text for the dialogue of a first character is presented in a first indicia throughout substantially all the presentation, and wherein the text for the dialogue of a second character is presented in a second indicia throughout substantially all the presentation, the first and second indicia being different, wherein the

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text for at least one character is written in language different from the text of another character.

64. (New) A presentation of textual material having text corresponding to the dialogue of a plurality of characters and narrative, wherein the text for the dialogue of a first character is presented in a first indicia throughout substantially all the presentation, and wherein the text for the dialogue of a second character is presented in a second indicia throughout substantially all the presentation, the first and second indicia being different, wherein the text associated with at least two of the characters is written at a reading level selected for one or more specific persons.

65. (New) A method of presenting reading material containing text corresponding to the dialogue of a plurality of characters, comprising the steps of:

writing text corresponding to a first character in a first reading level and presenting that text in a first indicia for at least a substantial portion of the text corresponding to the first character; and

writing text corresponding to a second character in a second reading level and presenting that text in a second indicia for at least a substantial portion of the text corresponding to the second character, wherein the reading material contains narrative that is written at a predetermined reading level and presented in a third indicia.

66. (New) A method of presenting reading material containing text corresponding to the dialogue of a plurality of characters, comprising the steps of:

writing text corresponding to a first character in a first reading level and presenting that text in a first indicia for at least a substantial portion of the text corresponding to the first character; and

writing text corresponding to a second character in a second reading level and presenting that text in a second indicia for at least a substantial portion of the text corresponding to the second character, wherein the reading material has a number of characters with dialogue and each character is assigned to a specific reader, with the presentation of text for each character being selected and presented according to the reading level of a specific reader assigned to each character.



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67. (New) A presentation of a story having at least two characters with dialogue for each character that are to be read by at least one reader assigned to each character, wherein the dialogue for a plurality of characters is written at a reading level selected to correspond to the particular reader assigned to each of the plurality of characters, and presented in an indicia that is unique to each character and extending throughout a substantial portion of the dialogue associated with a plurality of characters, and wherein the dialogue assigned to at least one character is presented in a different language than the language of another character.
68. (New) The presentation of Claim 1, wherein the first and second indicia extend throughout the entire presentation.
69. (New) The presentation of Claim 16, wherein the text is presented in the first indicia throughout the entire portion of the text corresponding to the first character, and the text is presented in the second indicia throughout the entire portion of the text corresponding to the second character.
70. (New) The presentation of Claim 30, wherein the indicia that is unique to each character extends throughout the entire dialogue associated for each of said characters.
71. (New) The apparatus of Claim 39, wherein said means for presenting selected text in a unique indicia presents said text throughout the entire portion of the dialogue of the first and second characters.
72. (New) A presentation of textual material having text corresponding to the dialogue of a plurality of characters and narrative, wherein the text for the dialogue of a first character is presented in a first indicia throughout substantially all the presentation, and wherein the text for the dialogue of a second character is presented in a second indicia throughout substantially all the presentation, the first and second indicia being different, wherein the textual material corresponding to a character is written in a plurality of different reading levels and selected by a specific reader from among that plurality of different reading levels before the presentation.